

## **Minneapolis City Planning Department Report**

Zoning Amendment (Rezoning), Conditional Use Permit, Site Plan Review, Variance

BZZ – 1013

**Date:** February 24, 2003

**Date Application Deemed Complete:** January 21, 2003

**End of 60 Day Decision Period:** March 22, 2003

**Applicant:** Minnesota Teen Challenge

**Address of Property:** 1619 Portland Ave. S.

**Contact Person and Phone:** Richard Scherber, 373-3366

**Planning Staff and Phone:** Jason Wittenberg, 673-2297

**Ward:** 7      **Neighborhood Organization:** Elliot Park Neighborhood Inc.

**Existing Zoning:** R6 and the DP (Downtown Parking) Overlay District

**Proposed Zoning:** Add B4H (Downtown Housing) Overlay District

**Zoning Plate Number:** 20

**Legal Description of Property Proposed for Rezoning:** A legal description of the property to be rezoned has not yet been provided.

**Proposed Conditional Use:** To allow up to 110 beds of supportive housing and a community residential facility of up to 30 beds.

**Zoning Code Section Authorizing Proposed Conditional Use Permit:** Table 546-1

**Project Name:** Minnesota Teen Challenge

**Proposed Variances:** Variance to reduce the required number of off-street parking spaces from 35 to 27 spaces.

**Zoning Code Section Authorizing Proposed Variances:** 525.520 (6)

**Previous Actions:** At its meeting of March 22, 1999, the planning commission approved a change of nonconforming use to allow a community residential facility for up to 90 persons and a variance to reduce the north side yard setback from five feet to zero feet for the parking lot and recreation area.

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**Concurrent Review:** Rezoning, site plan review, conditional use permit, and variance as noted above

**Background:** As noted above, the applicant was previously approved for a community residential facility for up to 90 persons. The applicant now proposes to limit the number of state licensed clients for the community residential facility to 30 persons. However, the overall number of beds in the facility would be increased to 140, which would allow up to 110 beds of supportive housing.

Community residential facility and supportive housing are defined as follows:

*Community residential facility.* A facility where one (1) or more persons reside on a twenty-four (24) hour per day basis under the care and supervision of a program licensed by the Minnesota Department of Human Services (DHS). Community residential facilities shall not include facilities that are also eligible for licensure by the Minnesota Department of Corrections (DOC).

*Supportive housing.* A facility that provides housing for twenty-four (24) hours per day and programs or services designed to assist residents with improving daily living skills, securing employment or obtaining permanent housing. It does not include:

- (1) Elderly housing with congregate dining.
- (2) Inebriate housing.
- (3) Any facility licensed by the Minnesota Department of Human Services (DHS), Department of Health (DOH) or Minnesota Department of Corrections (DOC).
- (4) Any other county, state or federal community correctional facility.
- (5) Fraternities, sororities or other student housing.
- (6) Any facility owned, leased or operated by the Minneapolis Public Housing Authority (MPHA).
- (7) The use of one (1) dwelling unit on one (1) zoning lot which meets the occupancy requirements of the zoning district in which it is located.

As indicated in section 551.810 of the zoning code, the proposed B4H Overlay District would eliminate the one quarter mile spacing requirement that is otherwise imposed on congregate living uses.

**Findings As Required By The Minneapolis Zoning Code for the Rezoning Application:**

**1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

Planning staff has identified the following policies of the Minneapolis Plan as being relevant to the request to add the B4H Overlay District to the site.

*Relevant policy:* **4.10** Minneapolis will reasonably accommodate the housing needs of all of its citizens.

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*Staff comment:* The B4H Overlay District would essentially allow the applicant to make use of the existing rooming units within the building in order to accommodate a demand for the facility's services.

**2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.**

Although the amendment is primarily in the interest of the property owner, there is a public interest in ensuring that people in need of services have access to those services, particularly where there is existing unused capacity for those services.

**3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The proposed zoning is compatible with the surrounding uses and zoning classifications. Staff is concerned, however, about the concentration of B4H housing in the immediate area.

**4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

Although there are reasonable uses under the existing zoning classification, the applicant would be unable to make full use of the existing rooming units in the building for supportive housing without the proposed B4H Overlay District.

**5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

Staff is unaware of a general trend in the area that is relevant to the proposed rezoning. Note, however, that a good deal of market rate housing is under construction within a reasonable distance of the property.

**Findings As Required By The Minneapolis Zoning Code for the Conditional Use Permit Application:**

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Provided the proposal complies with applicable housing and building code provisions, staff does not expect that the proposal would endanger public health, safety, or welfare.

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- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

With proper management of the facility, expanding the number of residents/clients on the site should not be noticeable to surrounding property owners and should not have an impact on development in the area.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and access. Concrete curbing would direct drainage away from the adjacent residential property. Any internal roof drains that are connected to the sanitary sewer system must be disconnected.

- 4. Will take measures to minimize traffic congestion in the public streets.**

The Public Works Department will require narrowing of the curb cut along 17<sup>th</sup> Street. This would both increase pedestrian safety and perhaps allow for another on-street parking space. Note that the clients of the facility are prohibited from owning personal automobiles.

- 5. Is consistent with the applicable policies of the comprehensive plan.**

Although the concentration of congregate living facilities is generally not consistent with city policy, the facility is existing and essentially has unused capacity. Staff does not believe that the proposal conflicts with the Minneapolis Plan.

- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p., rezoning, site plan review and variances.**

With approval of all association applications in this report, staff is unaware of any conflict between the existing plan and the regulations of the R6 and B4H Overlay Districts. Given that the site is within the Downtown Parking Overlay District, the existing parking facility may not be expanded.

**Required Findings for Major Site Plan Review**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**

**C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

*Conformance with above requirements:*

The existing building reinforces the street wall along both Portland Avenue and 17<sup>th</sup> Street. No building additions are proposed. Surveillance of the street is maximized through existing windows. Pedestrian access is ideal given that the principal entrance opens directly to the public sidewalk along 17<sup>th</sup> Street.

The property is a reverse corner lot. The building is located within 8 feet of both front lot lines.

The building is constructed up to or near the front property lines. However, landscaping could be installed in the public right of way between the building and the public sidewalks.

The principal entrance will continue to face 17<sup>th</sup> Street.

The off-street parking area is located to the side and rear of the building.

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The site would not feature new building construction. Building façade and architectural elements are already in place.

The building features brick that is compatible on all sides.

Plain-face concrete block is not used as a primary exterior building material.

Existing window area will not be reduced along the public streets

**ACCESS AND CIRCULATION:**

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

*Conformance with above requirements:*

A clear walkway connects the short distance between the principal entrance and the public sidewalk.

There are no transit shelters on the site.

Vehicular/pedestrian conflicts would be minimized to a large degree.

The site currently has off-street parking adjacent to the public alley as well as an off-street parking lot that is accessed from the public alley. The Public Works Department has indicated that parking will not be allowed between the alley and the building. In addition, the zoning code prohibits the parking of buses in residence districts. Buses are routinely parked on the applicant's lot.

An adequate snow storage area has not been identified.

Opportunities to reduce impervious surfaces on the site are limited.

**LANDSCAPING AND SCREENING:**

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
  - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.

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- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

*Conformance with above requirements:*

The applicant's current plan does not propose any landscaping. Based on the existing site constraints, staff recommends that the commission grant alternative compliance from the 20 percent landscaping requirement provided the applicant installs and maintains landscaping between the building and the public sidewalks along both 17<sup>th</sup> Street and Portland Avenue as well as between the parking lot and Portland Avenue. The width of the right of way is approximately six to seven feet in these areas. A detailed landscaping plan identifying specific species and their proposed locations must be submitted.

Staff recommends that the commission waive the required landscaped yards along the north end of the parking lot provided a privacy fence is maintained in this location. Note that the existing privacy/screening fence is nonconforming as to the maximum permitted height where it is located in a required front yard setback.

Staff recommends that the commission waive the concrete curbing requirement.

All areas not covered by buildings, walkways, driveways and parking and loading will be covered with turf.

**ADDITIONAL STANDARDS:**

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- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

*Conformance with above requirements:*

There are existing wall lights illuminating the off-street parking area. Lighting must comply with chapters 535 and 541.

The existing screening effectively prevents headlights from shining onto adjacent residential properties.

Views would not be blocked.

The proposed site plan will have no impact on shadowing of the public sidewalk and will have no impact on wind speed or direction in the vicinity.

From a crime prevention standpoint, staff is concerned that the height of the existing fence along Portland prevents views into and out of this area.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE:** The site is zoned R6 with a DP (Downtown Parking) Overlay District. In order to allow the proposed number of beds and eliminate the required one quarter mile spacing requirement from similar uses, the applicant has applied to add the B4H (Downtown Housing) Overlay District.

**Parking and Loading:** Thirty five parking spaces are required by the zoning code, one space for every four beds. The applicant seeks a variance to reduce the required number of off-street parking spaces from 35 to 27. Twenty-seven spaces are located north of the building. This reflects the fact that the Public Works Department has indicated that they will not allow parking between the building and the public alley.

**Signs:** No new business signs are proposed as part of the project. The planning commission previously approved an illuminated sign on the south side of the building.



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**Density:** The R6 District requires not less than 400 square feet of lot area per rooming unit. According to staff calculations, the zoning lot has 26,358 square feet. Thus, the facility may provide up to 65 rooming units and still comply with the minimum lot area requirement. Fifty-six rooming units are proposed.

**Specific Development Standards:** Community residential facilities and supportive housing are subject to the following specific development standard, as indicated in section 536.20 of the zoning code:

*Community residential facility*

- (1) The use shall be located at least one-fourth ( 1/4) mile from all existing community residential facilities.
- (2) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (3) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (4) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (5) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

*Supportive housing*

- (1) Supportive housing shall be located at least one-fourth ( 1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
  - a. Community correctional facility.
  - b. Community residential facility.
  - c. Inebriate housing.
  - d. Motel.
  - e. Overnight shelter.
- (2) The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
- (3) On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
- (4) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (5) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
- (6) The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.

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**Hours of Operation:** N/A

**Dumpster screening:** The refuse storage containers, located along the public alley, must be screened as required by section 535.80 of the zoning code.

**535.80. Screening of refuse storage containers.** Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. Single and two-family dwellings and multiple-family dwellings of three (3) and four (4) units shall not be governed by this provision.

**MINNEAPOLIS PLAN:** For analysis of the project's consistency with the Minneapolis Plan, please see the conditional use permit application above.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council:**

Staff is unaware of any conflict between the proposal and any applicable development plans or objectives adopted by the City Council.

**Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:**

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

As indicated above, staff is recommending alternative compliance exceptions for the following aspects of the proposal:

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- Staff recommends alternative from the 20 percent landscaping requirement provided landscaping is installed in the public right of way between the applicant's property and the public sidewalks.
- Staff is recommending alternative compliance from the landscaping requirement along the north side of the parking lot provided screening is maintained there.

**Findings Required by the Minneapolis Zoning Code for the Proposed Variance:**

1. **The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The off-street parking requirement would essentially prevent the applicant from fully utilizing the building's existing rooming units.

2. **The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The circumstances are relatively unique given that the areas that beds will be added are existing and the applicant simply intends to utilize these areas. Further, the applicant will be losing existing and longstanding parking along the public alley, which is also a unique consideration.

3. **The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Given that the particular program that the applicant operates does not allow clients to own personal automobiles, the number of parking spaces on the site should meet the intent of the ordinance.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

As noted above, clients of the facility may not own personal automobiles and are generally transported to and from the site by one of the applicant's buses.

**Recommendation Of The City Planning Department for the Rezoning Application:**

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone to add the B4H Overlay District to the property located at 1619 Portland Avenue South.

**Recommendation of the City Planning Department for the Conditional Use Permit Application:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for up to 110 beds of supportive housing and a community residential facility of up to 30 beds at 1619 Portland Avenue South, subject to the following conditions:

- 1) The use shall comply with all applicable provisions of the housing and building codes.
- 2) The project shall comply with the standards of section 551.800 of the zoning code.

**Recommendation of the City Planning Department for the Site Plan Review Application:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application supportive housing and a community residential facility in an existing building located at 1619 Portland Avenue South, subject to the following conditions:

- 1) Landscaping shall be installed and maintained between the property lines and the public sidewalks along both Portland Avenue and E. 17<sup>th</sup> Street.
- 2) The refuse storage container(s) must be screened as required by section 535.80 of the zoning code.
- 3) The Planning Department shall review and approve the final site and landscaping plans as well as elevations of the refuse storage enclosure.
- 4) If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs by May 10, 2003, or the permit may be revoked for non-compliance.
- 5) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by February 24, 2004, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

**Recommendation of the City Planning Department for the Variance Application:**

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces from 35 to 27 spaces at 1619 Portland Avenue South.